

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION**

TRANSPORTATION ALLIANCE
BANK, INC.,

Plaintiff,

v.

Case No. 2:18-cv-499-FtM-60MRM

PEEWEE'S HAULING, INC., PEEWEE'S
SERVICES CORP., MARLOWE F.
VARGAS, SHANNON GEORGE, and
VICTOR GEORGE,

Defendants.

_____ /

ORDER ADOPTING REPORT AND RECOMMENDATION

This matter is before the Court on consideration of the report and recommendation of Mac R. McCoy, United States Magistrate Judge, entered on March 27, 2020. (Doc. 106). Judge McCoy recommends "Plaintiff Transportation Alliance Bank's Motion to Default Defendants for Violation of Court's Order [D.E. 102] and Request for Order Striking Pleadings and Defenses" (Doc. 104) be granted. Judge McCoy further recommends that the Clerk of Court be directed to (1) strike "Defendants' Answer to Fourth Amended Complaint" (Doc. 95) and add a notation in the docket text that the pleading was stricken pursuant to the Court's Order, and (2) enter defaults against Defendants PeeWee's Hauling, Inc., PeeWee's Services Corp., Marlowe F. Vargas, and Shannon George. Judge McCoy also recommends that the Court require Plaintiff to file a motion for default judgment no later than April 20, 2020. Neither Plaintiff nor Defendants filed an objection to the report and recommendation, and the time to object has expired.

After conducting a careful and complete review of the findings and recommendations, a district judge may accept, reject, or modify the magistrate judge's report and recommendation. 28 U.S.C. § 636(b)(1); *Williams v. Wainwright*, 681 F.2d 732 (11th Cir. 1982). In the absence of specific objections, there is no requirement that a district judge review factual findings *de novo*, *Garvey v. Vaughn*, 993 F.2d 776, 779 n.9 (11th Cir. 1993), and the court may accept, reject, or modify, in whole or in part, the findings and recommendations. 28 U.S.C. § 636(b)(1)(C). The district judge reviews legal conclusions *de novo*, even in the absence of an objection. *See Cooper-Houston v. S. Ry. Co.*, 37 F.3d 603, 604 (11th Cir. 1994); *Castro Bobadilla v. Reno*, 826 F. Supp. 1428, 1431-32 (S.D. Fla. 1993), *aff'd*, 28 F.3d 116 (11th Cir. 1994) (table).

Upon due consideration of the record, including Judge McCoy's report and recommendation, the Court adopts the report and recommendation. The Court agrees with Judge McCoy's detailed and well-reasoned factual findings and legal conclusions. Consequently, "Plaintiff Transportation Alliance Bank's Motion to Default Defendants for Violation of Court's Order [D.E. 102] and Request for Order Striking Pleadings and Defenses" (Doc. 104) is due to be granted.

Accordingly, it is

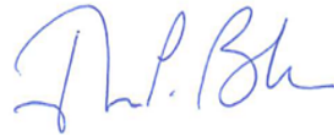
ORDERED, ADJUDGED, and DECREED:

- (1) Judge McCoy's report and recommendation (Doc. 106) is **AFFIRMED** and **ADOPTED** and **INCORPORATED BY REFERENCE** into this Order for all purposes, including appellate review.
- (2) "Plaintiff Transportation Alliance Bank's Motion to Default Defendants for

Violation of Court's Order [D.E. 102] and Request for Order Striking Pleadings and Defenses" (Doc. 104) is hereby **GRANTED**.

- (3) The Clerk of Court is directed to **STRIKE** "Defendants' Answer to Fourth Amended Complaint" (Doc. 95) and add a notation in the docket text that the pleading was stricken pursuant to the Court's Order.
- (4) The Clerk of Court is further directed to enter defaults against Defendants PeeWee's Hauling, Inc., PeeWee's Services Corp., Marlowe F. Vargas, and Shannon George.
- (5) Plaintiff is required to file a motion for default judgment on or before April 20, 2020.

DONE and **ORDERED** in Chambers, in Fort Myers, Florida, this 13th day of April, 2020.



TOM BARBER
UNITED STATES DISTRICT JUDGE